

OLIVER COUNTY ZONING ORDINANCE

original; May, 1977

RETYPE ON MARCH 29th, 2004

WORDPAD

Prepared by:

The Oliver County Planning and Zoning Commission

1. INTRODUCTION

1.1 AUTHORITY

This ordinance is adopted under the authority granted by chapter 11-33 of the North Dakota Century Code. The Board of County Commissioners of Oliver County, North Dakota, do ordain as follows:

1.2 TITLE

This Ordinance, its regulations, and the District Zoning Map shall constitute and be known as the Oliver County Zoning Ordinance and hereinafter referred to as the "Ordinance".

1.3 EFFECTIVE DATE

This Ordinance shall be effective from this 6th day of May, 1977.

1.4 JURISDICTION

This ordinance shall apply to the area of Oliver County, exclusive of the incorporated cities or adjacent areas under their zoning jurisdiction.

1.5 PURPOSE

It is the purpose of this Ordinance to promote the health, safety, and general welfare of the citizens of Oliver County. It is the specific intent of this Ordinance to:

- a) Regulate the use of all structures and land, with the exception of agricultural use, within Oliver County;
- b) Regulate lot coverage, population density and distribution, and the location and size of all non-agricultural structures in Oliver County;
- c) Provide regulations for the subdivision of land;
- d) Secure safety from fire, flooding, and other dangers;
- e) Provide adequate light, air, sanitation, and drainage;
- f) Further the appropriate use of land and conservation of natural resources;
- g) Stabilize and protect the natural beauty and property values of Oliver County;
- h) Lessen congestion in and promote safety and efficiency of streets and highways;
- i) Facilitate the adequate provision of public facilities and utilities;
- j) Lessen governmental expenditures;
- k) Secure the orderly development of Oliver County;
- l) Provide for the administration and enforcement of this Ordinance and penalties for its violation.

1.6 ABROGATION AND GREATER RESTRICTIONS

It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, whenever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

1.7 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be liberally construed in favor of the County and shall not be construed to be a limitation or repeal of any other power granted by the North Dakota Century Code.

1.8 SEVERABILITY

If any part or provision of this Ordinance or the application thereof to any person, property, or circumstance is adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its effect to the part, provision, section, or application expressly

involved in the controversy and shall not affect or impair the integrity or validity of the remainder of the Ordinance or its application to other persons, property, or circumstances.

If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not be applicable to any other structure, land, or water not specifically included in said judgement.

1.9 REPEAL

All regulations, parts of County regulations, existing ordinances, or resolutions in conflict with this Ordinance and its provisions are hereby repealed and superseded.

2. GENERAL PROVISIONS

2.1 INTRODUCTION

The proper regulation of the use of certain structures and lands only through the use of the district regulations set forth in this Ordinance is neither feasible nor adequate. Therefore, the following regulations, which shall be applied in addition to the district regulations, are necessary to accomplish the intent of this Ordinance.

2.2 ZONE OF COORDINATION

Municipalities may, by ordinance, extend application of their zoning regulations to unincorporated territory located outside municipal limits. It is the intent of this Ordinance that the area within three (3) miles adjacent to a municipality, or that portion of the area remaining after exercise of municipal extraterritorial zoning authority, shall be a zone of coordination between the Planning Commission of the county and the municipality with regard to development of residential, commercial, and industrial districts within this zone. However, zoning authority within this zone of coordination shall rest with the county.

2.3 COMPLIANCE

No structure, land, water or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit except minor structures, and without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations. No regulation or restriction, however, shall prohibit or prevent the use of land or buildings for farming or any of the normal incidents of farming.

2.4 USES

Only the following uses and their essential services shall be allowed in any district:

Permitted Uses -

Specified for each district.

Accessory Uses -

1. Shall be clearly incidental and customarily associated with the operation of a permitted use.
2. Shall be operated and maintained under the same ownership and on the same lot as the permitted use.
3. Shall not contain structures or structural features inconsistent with the permitted use.
4. Shall include residential occupancy only with the approval of the Planning Commission.
5. Shall be allowed once permitted use is present or under construction.
6. Shall not involve the conduct of any business, trade, or industry, except for home and professional occupations as defined herein, when accessory to residential district permitted uses.

Conditional Uses -

Along with their accessory uses, conditional uses shall be allowed in specific districts after review, public hearings, and approval by the Planning Commission and the Board of Commissioners in accordance with district regulations and procedures established in Section 17.3 of this Ordinance.

Temporary Uses -

May be allowed in districts with the approval of the Planning Commission and in accordance with procedures established in Section 17.3 of this Ordinance.

Uses Not Specified -

May be allowed in districts with the approval of the Planning Commission following careful review and provided that such uses are similar in character to the permitted uses in the district.

2.5 EXISTING LOTS OF RECORD

Any lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located with the approval of the Planning Commission, even though its dimensions are less than the minimum requirements of this Ordinance, except as set forth hereafter.

Where two (2) or more adjacent lots of record exist under the same ownership with one (1) or more having less than the needed area and width, the request for a permit shall be referred to the Planning Commission, which may require combining the lots, thereby complying with the minimum requirements of this Ordinance.

2.6 NON-CONFORMING USES AND STRUCTURES

The lawful non-conforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance, except that:

1. **Extension -**

Only that portion of the land or water in actual use may be so continued and a non-conforming use may not be extended, enlarged, substituted, or moved.

2. **Damage or Destruction -**

If any building in which there is a non-conforming use is damaged by fire, flood, explosion, wind, or other calamity, to the extent of more than fifty (50) per cent of its current assessed value, it shall not be restored except so as to comply with the provisions of this Ordinance.

3. **Repairs or Alterations -**

Total lifetime structural repairs or alterations to a structure containing a non-conforming use shall not exceed fifty (50) per cent of the assessed value of the structure at the time of its becoming a non-conforming structure unless it is permanently changed to conform with the provisions of this Ordinance.

4. **Discontinuance -**

In the event any non-conforming use ceases, for whatever reason, for one (1) year, any future use of land, structure, or water shall be in conformity with the provisions of this Ordinance.

5. **Moving Building -**

Should any building containing a non-conforming use be moved any distance whatsoever, the building shall thereafter be used only in conformity with the provisions of this Ordinance.

6. **Change** -

A non-conforming use shall not be changed to any use other than those permitted within the district in which the building is located. Once so changed, it shall not revert back to a non-conforming use.

7. **Current File** -

A current file of all non-conforming uses and structures shall be maintained by the Land Use Administrator listing the following: location, use, and assessed value of structures at the time they became non-conforming uses.

2.7 HEIGHT REGULATION EXCEPTIONS

The following shall be exempt from the maximum height regulations in all districts:

Antennas, belfries, chimneys, cupolas, flag poles, ventilators, water tanks, windmills, or other appurtenances usually required to be placed above roof level and not intended for human occupancy.

2.8 SETBACK AND YARD REGULATION EXCEPTIONS

Unwalled porches, terraces, balconies, and exterior stairways may project five (5) feet into front and rear setback and yard spaces.

Sills, exterior columns, chimneys, and building accessories may project eighteen (18) inches into all setback and yard spaces.

2.9 EROSION AND SEDIMENT CONTROL

An erosion and sediment control plan may be requested by the Planning Commission for those uses requiring substantial land modification or earth movement and said plan shall be submitted before a building permit is granted. These plans are to be developed with the Oliver County Soil Conservation District and must have their written approval.

A performance bond may be required by the Board of County Commissioners, the amount thereof based on the complexity of control measures as determined by the Soil Conservation District. The performance bond shall be filed with the County Auditor.

3. DISTRICTS AND BOUNDARIES

3.1 DISTRICT CLASSIFICATIONS

In order to classify, regulate, and restrict the location of businesses, industries, residences, and the location of buildings designed for specific uses; to regulate and limit the weight and bulk of buildings; to regulate and limit the intensity of the use of lots; to regulate and determine the area of yards and other open spaces surrounding buildings; and to regulate and restrict the density of population; unincorporated areas under the zoning jurisdiction of Oliver County may be divided into any of the following districts, said districts being known as:

- A - AGRICULTURAL DISTRICT
- R-1 - RESIDENTIAL DISTRICT 1
- R-2 - RESIDENTIAL DISTRICT 2
- MH - MOBILE HOME DISTRICT
- C - COMMERCIAL DISTRICT
- I - INDUSTRIAL DISTRICT
- PUD - PLANNED UNIT DEVELOPMENT
- RC - RECREATION DISTRICT
- CS - CONSERVATION DISTRICT

3.2 DISTRICT ZONING MAP

The boundaries of the zoning districts appear on the map designated as the District Zoning Map. The District Zoning Map and all notations, references, and other information shown thereon are part of this Ordinance and have the same force and effect as if said map and all notations, references, and other information shown thereon were all fully set forth and described herein. A properly attested copy of the District Zoning Map is on file with the Oliver County Auditor.

4. AGRICULTURAL DISTRICT (A)

It is the intent of these district regulations to protect the area's most valuable resource--its prime agricultural soils, and to limit uses to agriculture and those compatible with agriculture. Land with potentially irrigable soils or prime productive soils, as identified by the Oliver County Soil Conservation Districts, shall be reserved for agricultural activity.

4.1 USE REGULATIONS

Permitted Uses -

1. Usual buildings, structures, and operation incidental to the operation of a farm or ranch
2. Churches, cemeteries
3. Public and private schools
4. Greenhouses and nurseries
5. Animal hospitals and clinics
6. Local government facilities
7. Public and private conservation areas
8. Recreation activities that do not disturb the land or agricultural activities

Accessory Uses

Accessory uses customarily incidental to the permitted uses in compliance with Section 2.4.

Conditional Uses

1. Non-Farm Residences

The following minimum conditions shall apply:

- a. The applicant shall submit written evidence of approval of the proposed sanitary disposal system by County Sanitarian.
- b. Minimum lot area shall be determined by site and soil capability regulations (see Section 13). Under no circumstances shall a lot area be less than 20,000 square feet.
- c. The applicant shall provide any reasonable information the Planning Commission deems necessary.

2. Electrical Power Transmission Lines

The following minimum conditions shall apply:

- a. Transmission line sitings shall have minimal interference with farming and irrigation operations, following quarter or section lines unless otherwise permitted by landowner.
- b. Written evidence of said approval by the landowner shall be submitted with the application for approval of a conditional use.
- c. The applicant shall provide any reasonable information the Planning Commission deems necessary.

3. Industrial, Municipal, and Commercial Pipelines

The following minimum conditions shall apply:

- a. Written evidence of approval by the landowner shall be submitted with the application for approval of a conditional use.
- b. The applicant shall provide any reasonable information the Planning Commission deems necessary.

4. Radio, Television, and /or Telephone Microwave Transmitting Stations

The following minimum conditions shall apply:

- a. Written evidence of approval by the landowner shall be submitted with the application for approval of a conditional use.
- b. The applicant shall provide any reasonable information the Planning Commission deems necessary.

5. Water Reservoirs, Water Storage Tanks, Water Pumping Stations, and Sewer Lift Stations

The following minimum conditions shall apply:

- a. Written evidence of approval by the landowner shall be submitted with the application for approval of a conditional use.
- b. The applicant shall provide any reasonable information the Planning Commission deems necessary.

6. Gas and Oil Exploration (*amended 9/5/1979*)

The provision of this section shall not apply to any digging, drilling or excavation for agricultural purposes. The provision of this section shall not apply to any coal mining activity. The provision of this section shall not apply to any oil exploration and production or gas exploration and production by Oliver County or any of its incorporated cities. The operators must furnish the following to the Land Use Administrator:

1. Evidence of compliance with Section 38-08.1-04 N.D.C.C., "Filing of notice of intention to engage in drilling".
2. Plan drawn to scale showing location of lines to be explored.
3. Schedule of commencement and completion of operations.
4. Upon completion of operations, a final plan drawn to scale, showing the actual survey location of all seismic exploration lines, and if applicable, the location of all shot holes.
5. Evidence that the surface owner has been notified in writing of the operator's activity.
6. Notification that all wire flags and/or other objects related to exploration activities have been removed.
7. Evidence that permission for use of water has been obtained from surface owner before exploration activity begins; this information shall be shown on a map as to where the water will be drawn from.
8. A seismograph survey shot hole shall be no closer than one thousand (1000) feet to any buildings, water wells, developed springs, and/or other water structures, i. e. dams, dugouts, unless such site is mutually agreeable between the surface owner and the mineral operator.
9. No explosive mineral operation shall take place on any section line, public road or public right-of-way.
10. Evidence that the operator has posted bond as required by Chapter 38-08, N.D.C.C. and the rules and regulations of the North Dakota Industrial Commission.
11. All holes shall be plugged the full length with Bentonite clay and surface damage shall be repaired.

Oil and Gas Drilling and Production

The operator shall submit the following data and documents to the Land Use Administrator prior to any drilling operations:

1. The legal description of the tract of land on which the well is located.
2. The location of the proposed well.
3. The name of the owner of the mineral estate lying in and under the proposed well site.

4. The location of all buildings within one-fourth (1/4) mile of the proposed well site.
5. The name and address of the drilling contractor.
6. Approximate date of commencement of operations; and
7. A copy of the drilling permit issued pursuant to state or federal regulations.

7. Coal Excavation and Mining

The following minimum conditions shall apply:

- a. A preliminary public hearing shall be conducted in the county concerning site location, needs of operation, and company employees concerning roads, housing, community facilities, and county and community services.
- b. The applicant shall provide to the Planning Commission a copy of all information submitted to the North Dakota Public Service Commission concerning site reclamation.
- c. The applicant shall provide written evidence of approval by the Public Service Commission for operation of the mine.
- d. No excavation or mine operation shall take place within twenty (20) feet of an adjacent property line unless written agreement is made with the owners of said property. Written evidence of said agreement shall be submitted to the Planning Commission. The Planning Commission reserves the right to increase the twenty (20) feet minimum setback from adjacent property lines if deemed necessary.
- e. No excavation or mine operation shall take place within five hundred (500) feet of an existing residence unless a written agreement is made with the owner of said residence. Evidence of said agreement shall be submitted to the Planning Commission.
- f. The applicant shall conform to all state and federal laws relating to preservation, removal, or relocation of historical or archeological artifacts, and to the reclamation of strip-mined lands.
- g. The applicant shall post with the County Auditor a performance bond for reclamation of the site if not already posted with the State. The amount of the bond shall be determined by the Board of County Commissioners.
- h. The applicant shall provide any reasonable information the Planning Commission deems necessary.

8. Rock Crushers, Concrete and Asphalt Mixing Plants, Sand and Gravel Pits.

The following minimum conditions shall apply:

- a. Written evidence of approval of the landowner shall be submitted with the application for approval of a conditional use.
- b. Written evidence of a reclamation agreement with the landowner shall be submitted with the application for approval of a conditional use.
- c. No excavation or processing shall take place within three hundred (300) feet of an adjacent property line or within five hundred (500) feet of an existing residence, unless a written agreement is made with the owner of said property or residence. Evidence of said agreement shall be submitted to the Planning Commission.
- d. The applicant shall conform to all requirements regarding preservation, removal, or relocation of historical or archeological artifacts.
- e. The applicant shall provide any other reasonable information the Planning Commission deems necessary.

9. Livestock Auction Ring

The following minimum conditions apply:

- a. Off-street parking for motor vehicles and for storage of farm implements associated with the operation of said livestock auction shall be provided.
- b. Sufficient space for truck maneuvering shall be provided off-street.
- c. Use of a building or structure for restaurant or coffee shop purposes shall be permitted upon written evidence of approval of the County Board of Health.
- d. The applicant shall provide any reasonable information the Planning Commission deems necessary.

10. Railroad Trackage and Spurs

The following minimum conditions shall apply:

- a. No trackage shall be placed within one hundred twenty-five (125) feet of an existing residence unless a written agreement is made with the owner of said residence. Evidence of said agreement shall be submitted to the Planning Commission.
- b. The applicant shall conform to all requirements regarding the preservation, removal, or relocation of historical or archeological artifacts.
- c. The applicant shall provide any reasonable information the Planning Commission deems necessary.

11. Electrical Substations (*Amended 12-6-1977*)

The following minimum conditions shall apply:

- a. Written evidence of approval by the landowner shall be submitted with the application for approval of a conditional use.
- b. The applicant shall provide any reasonable information the Planning Commission deems necessary.

12. Anhydrous Ammonia Distribution Facilities. (Added to the Ordinance by Amendment on November 30, 2000).

The following minimum conditions shall apply:

- a. Written evidence of approval by the landowner shall be submitted with the application for approval of a conditional use.
- b. The applicant shall provide any reasonable information the Planning Commission deems necessary.

13. Concentrated Animal Feeding Operations. (Added to the Ordinance by Amendment on October 31, 2002).

1. Amend the Model Zoning Ordinance of the North Dakota State Health Department along with the amendments made to this ordinance by Morton County on October 29, 2002, to the Oliver County Planning and Zoning Ordinance.

4.2 YARD REGULATIONS

When a lot abuts a road or highway, the minimum building setback measured from the center line shall be:

Minor Arterial	200 feet
Major and Minor	
Collectors	200 feet
Local Roads	200 feet

Lots having double frontage must provide the required setbacks from both frontages.

4.3 FENCE REGULATIONS

None in sightline.

4.4 HIGHWAY ACCESS REGULATIONS

When a lot abuts state or federal highways:

1. Access shall be limited to one per quarter mile.

2. The landowner shall provide for frontage road or deed to nearest quarter mile access point to a public highway.
3. Written evidence of approval by appropriate highway authorities shall be provided to the Planning Commission.

4.5 PARKING REGULATIONS

See Section 14.

4.6 SIGN REGULATIONS

See Section

5. RESIDENTIAL DISTRICT 1 (R-1)

It is the intent of these district regulations to provide for the orderly development of low density residential uses.

5.1 USE REGULATIONS

Permitted Uses -

1. Single-family dwellings
2. Churches
3. Public and Private Schools
4. Public Park or Playground
5. Community Center, public or private
6. Essential public facilities to serve the immediate area

Accessory Uses -

Accessory uses customarily incidental to the permitted uses in compliance with Section 2.4.

5.2 AREA REGULATIONS

1. Minimum single-family residential lot size -

- a. Lots served by public water supply and public sanitary sewer system:
 1. Minimum width - sixty (60) feet
 2. Minimum area - seven thousand five hundred (7,500) square feet.
- b. Lots not served by either a public water supply or public sanitary sewer system
(for description of Soil Divisions see Section 13):
 1. Soil Division I
See Section 13.
 2. Soil Division II
 - a. Minimum width - one hundred (100) feet
 - b. Minimum area - twenty thousand (20,000) square feet
 3. Soil Division III
 - a. Minimum width - one hundred fifty (150) feet
 - b. Minimum area - forty thousand (40,000) square feet
2. Intensity -
The principle building and all accessory buildings shall not cover more than forty (40) per cent of the lot.

5.3 YARD REGULATIONS

1. Front Yard -

Each lot or premises shall have a front yard of not less than twenty-five (25) feet in depth. When a lot abuts a road or highway, the minimum building setback measured from the center line shall be:

Minor Arterial	200 feet
Major or Minor	
Collectors	200 feet
Local Roads	200 feet

Lots having double frontage must provide the required front yards or setbacks on both frontages.

2. **Side Yards -**

Each lot or premises shall have two side yards, one on each side of the principle building. Each side yard shall not be less than ten (10) feet in width.

3. **Rear Yard -**

Each lot or premises shall have a rear yard with a depth of not less than thirty (30) feet.

5.4 HEIGHT REGULATIONS

No single-family dwelling shall exceed two and one-half (2 1/2) stories, nor shall it exceed thirty-five (35) feet in height.

5.5 FENCE REGULATIONS

None in sight line.

5.6 HIGHWAY ACCESS REGULATIONS

When a lot abuts state or federal highways:

1. Access shall be limited to one per quarter mile.
2. The landowner shall provide for frontage road or deed to nearest quarter mile access point to a public highway.
3. Written evidence of approval by appropriate highway authorities shall be provided to the Planning Commission.

5.7 PARKING REGULATIONS

See Section 14.

5.8 SIGN REGULATIONS

See Section 16.

6. RESIDENTIAL DISTRICT 2 (R-2)

It is the intent of these district regulations to provide for multiple-family dwellings and higher-density residential uses.

6.1 USE REGULATIONS

Permitted Uses -

1. Single-family dwellings
2. Multi-family dwellings
3. Churches
4. Public and Private Schools
5. Public Park or Playground
6. Community Center, public or private
7. Essential public facilities to serve the immediate area

Accessory Uses -

Accessory uses customarily incidental to the permitted uses in compliance with Section 2.4.

6.2 AREA REGULATIONS

1. Minimum single-family residential lot size -
 - a. Lots served by public water supply and public sanitary sewer system:
 1. Minimum width - sixty (60) feet
 2. Minimum area - seven thousand five hundred (7,500) square feet
 - b. Lots not served by either a public water supply or public sanitary sewer system (for description of Soil Divisions see Section 13):
 1. Soil Division I
See Section 13.
 2. Soils Division II
 - a. Minimum width - one hundred (100) feet
 - b. Minimum area - twenty thousand (20,000) square feet
 3. Soil Division III
 - a. Minimum width - one hundred fifty (150) feet
 - b. Minimum area - forty thousand (40,000) square feet
2. Minimum multiple-family residential lot size (all multiple-family dwellings shall be served by public water supply and public sanitary sewer system):
 - a. Minimum width - one hundred (100) feet
 - b. Minimum area - ten thousand (10,000) square feet plus two thousand five hundred (2,500) square feet for each additional unit over two (2).
3. Intensity -
 - a. Single-family dwellings - the principle building and all accessory buildings shall not occupy more than forty (40) per cent of the lot.
 - b. Multiple-family dwellings - the principle building and all accessory buildings shall not cover more than fifty (50) per cent of the lot. Buildings of three (3) or more stories shall not cover more than forty (40) per cent of the lot.

6.3 YARD REGULATIONS

1. Front Yard -
Each lot or premises shall have a front yard not less than twenty-five (25) feet in depth, thirty (30) feet for multiple-family dwellings. When a lot abuts a road or highway, the minimum building setback measured from the center line shall be:

Minor Arterial	200 feet
Major or Minor	
Collectors	200 feet
Local Roads	200 feet

Lots having double frontage must provide the required front yards or setbacks on both frontages.

2. Side Yards -
Each lot or premises shall have two side yards, one on each side of the principle building. Each side yard shall not be less than ten (10) feet in width, fifteen (15) feet for multiple-family dwellings.
3. Rear Yard -
Each lot or premises shall have a rear yard with a depth of not less than thirty (30) feet, thirty-five (35) feet for multiple-family dwellings.

6.4 HEIGHT REGULATIONS

1. Single-family dwelling - no single-family dwelling shall exceed two and one-half (2 1/2) stories, nor shall it exceed thirty-five (35) feet in height.

2. Multiple-family dwelling -
 - a. Principle structures shall not exceed fifty (50) feet
 - b. Accessory structures shall not exceed twenty-five (25) feet

6.5 FENCE REGULATIONS

None in sight line.

6.6 HIGHWAY ACCESS REGULATIONS

When a lot abuts state or federal highways:

1. Access shall be limited to one per quarter mile.
2. The landowner shall provide for frontage road or deed to nearest quarter mile access point to a public highway.
3. Written evidence or approval by appropriate highway authorities shall be provided to the Planning Commission.

6.7 PARKING REGULATION

See Section 14.

6.8 SIGN REGULATIONS

See Section 16.

7. MOBILE HOME PARK DISTRICT (MH)

It is the intent of these district regulations to encourage both suitable and proper development of mobile home parks and the placement of single-family mobile home dwellings within these parks.

7.1 USE REGULATIONS

Permitted Uses -

1. Mobile homes with permanent foundation stands
2. Community recreation facilities
3. Parks and playgrounds

Accessory Uses -

Accessory uses customarily incidental to permitted uses in compliance with Section 2.4.

7.2 AREA REGULATIONS

1. Minimum park size - four (4) acres
2. Minimum lot size for single-wide mobile home dwelling units -
 - a. Minimum width - fifty (50) feet
 - b. Minimum area - five thousand (5000) square feet
3. Minimum lot size for double-wide mobile home dwelling units -
 - a. Minimum width - sixty (60) feet
 - b. Minimum area - six thousand (6000) square feet
4. Intensity -

Mobile home lot - the ground area occupied by a mobile home dwelling, attached storm shed, patio, storage building, and off-street parking spaces shall not exceed fifty (50) per cent of the total area of the lot. In compiling the ground coverage, three hundred sixty (360) square feet shall be added to the actual area of the mobile home dwelling and accessory buildings for the two (2) required off-street parking spaces. This provision limits a lot to one (1) storm shed not over one hundred twenty (120) square feet in area, and said building shall be placed on a proper foundation.

7.3 YARD REGULATIONS

1. **Front Yard** -

a. Mobile home park - When a park abuts a road or highway, the minimum building setback measured from the center line shall be:

Minor Arterial	200 feet
Major and Minor	
Collectors	200 feet
Local Roads	200 feet

b. Mobile home lot - Each lot or premises shall have a front yard not less than twenty-five (25) feet in depth. The setback line shall be uniform for all mobile homes facing the same street. Lots having double frontage must provide the required front yards on both frontages.

2. **Side Yards** -

No mobile home shall be located less than ten (10) feet from a side lot line. Permitted encroachments on side yard setback space as follows:

- a. Outdoor terraces or patios without roofs or walls may project five (5) feet into any setback space.
- b. Outdoor steps or stairs may project three (3) feet into any setback space.
- c. Window canopies may project into any setback space.

3. **Rear Yard** -

Each lot or premises shall have a rear yard with a depth of not less than ten (10) feet.

7.4 HEIGHT REGULATIONS

No mobile home or other structure shall exceed thirty-five (35) feet in height

7.5 SPECIAL MOBILE HOME PARK REGULATIONS

1. **Dedicated Streets** -

Where the individual mobile home units in a mobile home park district are served by dedicated public streets, those public streets shall be platted and constructed according to applicable street standards of Oliver County.

2. **Private Streets** -

Private streets or roadways shall be at least thirty (30) feet from curb-to-curb in width if automobile parking is limited to one side, and forty (40) feet from curb-to-curb if automobile parking is allowed on both sides. Dead-end streets shall not exceed one hundred seventy-five (175) feet in length. Turning circles shall be at least eighty (80) feet in diameter. Roadways within the parks shall be hard-surfaced, either concrete bituminous.

3. **Entrances, Exits, and Driveways** -

All entrances, exits, and driveways between rows of mobile homes shall be lighted to provide an intensity of 0.3 footcandles.

4. **Walkways** -

Mobile home parks shall be provided with hard-surfaced walkways at least 3 1/2 feet wide between each mobile home lot and service building and other parts of said park.

5. **Recreation Areas** -

Recreation areas shall be provided in each mobile home park for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in aggregate of ten (10) per cent of the total area of said park. The recreational site(s) shall be of appropriate design and provided with adequate and permanent equipment.

6. **Buffer Strip** -

All mobile home parks must provide a completely and permanently landscaped buffer area of at least twenty (20) feet in width around those portions of the park perimeter which border public right-of-way or adjoining residential property. Such areas may contain trees, shrubbery, grass, benches, fences, etc. Setback areas not bordering public rights-of-way may be used to fulfill the recreation area requirements of the preceding paragraph.

7. **Water and Sewer** -

All mobile home park lots shall be served by a North Dakota State Health Department approved central water and sewer system.

8. **Safety** -

All provisions of water supply, laundry, sewage, and fire protection to be provided in any mobile home park shall have been approved by the appropriate county and state departments. Tiedowns shall be provided.

9. **Electrical Service** -

At least one electrical service outlet supplying at least one hundred twenty (120) volts, and at least one electrical service outlet supplying at least two hundred forty (240) volts, shall be provided for each mobile home space.

10. **Park Office** -

All mobile home parks shall have near their main entrance a park office in which there shall be an up-to-date list of all park residents along with their addresses and a diagram of the park layout.

11. **Lawns** -

All lawns within the mobile home park shall be seeded or sodded within one year of the issuance of an occupancy permit unless an extension is granted by the Planning Commission.

7.6 SPECIAL MOBILE HOME REGULATIONS

1. **Foundation Skirts** -

All mobile homes shall be equipped with compatible skirts to completely enclose the underside of the mobile home.

2. **Permanent Foundation Stand** -

All mobile homes shall have permanent foundation stands providing adequate support and a means of anchoring the mobile home structure. The foundation stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure. Anchors or tie-downs if provided, such as cast in concrete "deadmen" eyelets, embedded in concrete screw augers or arrowhead anchors, shall be placed at each corner of the stand and at intervals of at least twenty (20) feet. Each device shall be able to sustain a minimum load of four thousand eight hundred (4,800) pounds.

7.7 FENCE REGULATIONS

None in sight line.

7.8 HIGHWAY ACCESS REGULATIONS

When a lot abuts state or federal highways:

1. Access shall be limited to one per quarter mile.
2. The landowner shall provide for frontage road or deed to nearest quarter mile access point to a public highway.
3. Written evidence of approval by appropriate highway authorities shall be provided to the Planning Commission.

7.9 PARKING REGULATIONS

See Section 14.

7.10 SIGN REGULATIONS

See Section 16.

8. COMMERCIAL DISTRICT (C)

It is the intent of these regulations to provide for the grouping of retail merchandising, light industry, and service activities into a central area. The board of County Commissioners recognizes the importance of these activities to the various cities within the county and, therefore, shall seek the views and advice of the city councils or commissions when an amendment for this district is sought.

8.1 USE REGULATIONS

Permitted Uses -

1. Appliance stores
2. Auditoriums and similar places of public assembly
3. Automobile sales, service, and repair
4. Banks and other saving and lending institutions
5. Barber shops, beauty shops, and similar personal services
6. Bowling alleys and other recreational buildings
7. Clothing stores
8. Department stores
9. Drug stores
10. Farm implement/heavy equipment sales, storage, service
11. Furniture and home furnishing stores
12. Governmental facilities
13. Grocery stores
14. Hardware stores
15. Hospitals
16. Hotels and Motels
17. Libraries and museums (public)
18. Lumber yard
19. Medical, dental, and health clinics
20. Office and office buildings
21. Parking lots and garages
22. Restaurants and cafes
23. Service stations
24. Taverns
25. Theaters

Accessory Uses -

Accessory uses customarily incidental to the permitted uses in compliance with Section 2.4.

8.2 AREA REGULATIONS

1. Minimum commercial lot size -
 - a. Lots served by public water supply and public sanitary sewer system:
 1. Minimum width - sixty (60) feet
 2. Minimum area - seven thousand five hundred (7,500) square feet
 - b. Lots not served by either a public water supply or public sanitary sewer system
(for description of Soil Divisions see Section 13) :
 1. Soil division I -

- 2. See Section 13.
- 2. Soil Division II -
 - a. Minimum width - one hundred (100) feet
 - b. Minimum area - twenty thousand (20,000) square feet
- 3. Soil Division III -
 - a. Minimum width - one hundred fifty (150) feet
 - b. Minimum area - Forty thousand (40,000) square feet
- 2. Intensity - no requirements

8.3 YARD REGULATIONS

1. **Front yard** -

When a lot abuts a road or highway, the minimum building setback measured from the center line shall be:

Minor Arterial	200 feet
Major and Minor Collectors	200 feet
Local Roads	200 feet

Lots having double frontage must provide the required front yards or setbacks on both frontages.

2. **Side Yards** -

Each lot or premises shall have two side yards, one on each side of the principle building. Minimum side yards shall measure ten (10) feet in width, or fifty (50) feet in width when adjacent to a residential district.

3. **Rear Yard** -

Each lot or premises shall have a rear yard with a depth of ten (10) feet, or a depth of fifty (50) feet when adjacent to a residential district.

4. **Buffer Strip** -

A buffer strip of trees or other natural growth of at least thirty (30) feet in width, located on enlarged side or rear yards, shall provide a sight and sound barrier when a commercial use is adjacent to a residential district. The buffer strip shall meet with the approval of the Planning Commission.

8.4 HEIGHT REGULATIONS

No commercial structures containing a permitted use shall exceed sixty (60) feet.

8.5 FENCE REGULATIONS

None in sight line.

8.6 HIGHWAY ACCESS REGULATIONS

When a lot abuts state or federal highways:

- 1. Access shall be limited to one per quarter mile.
- 2. The landowner shall provide for frontage road or deed to nearest quarter mile access point to a public highway.
- 3. Written evidence of approval by appropriate highway authorities shall be provided to the Planning Commission.

8.7 PARKING REGULATIONS

See Section 14.

8.8 LOADING AND UNLOADING REGULATIONS

See Section 15.

8.9 SIGN REGULATIONS

See Section 16.

9. INDUSTRIAL DISTRICT (I)

It is the intent of these district regulations to provide for the most practical location for heavy commercial and industrial uses, generally not compatible with normal residential or commercial activity. Certain extremely obnoxious or hazardous uses will require conditional use permits before locating in this district.

9.1 USE REGULATIONS

Permitted Uses -

1. Animal kennel, animal hospital, and animal clinic
2. Automobile sales, service, and repair
3. Bottling plant
4. Cement mixing plant
5. Grain and feed mill
6. Grain elevators
7. Lumber yard
8. Manufacturing or fabricating establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke
9. Sewage disposal plants
10. *(removed - November, 1993 amendment)*
11. Service stations
12. Trucking or freight terminal
13. Warehouses
14. Welding

Accessory Uses -

Accessory uses customarily incidental to the permitted uses in compliance with Section 2.4 and provided said uses do not occupy a floor area of over ten (10) percent of the gross floor area occupied by the permitted use if operated in the same structure as the permitted use.

Conditional Uses -

1. **Chemical Fertilizer Plants**
2. **Coal Gasification Plants**
3. **Electric Power Generation Plants**
4. **Refineries and Petro-Chemical Plants**
 - a. The following minimum conditions shall apply to the above conditional uses:
 - a. A preliminary public hearing shall be conducted in the county concerning site location, needs of the plant, construction crews, employees, roads, housing, community facilities, and county and community services.
 - b. The applicant shall provide twelve (12) copies of an environmental impact statement to the Planning Commission for distribution to the appropriate agencies.
 - c. The applicant shall provide written evidence of approval of the State Department of Health on pollution controls.
 - d. The applicant shall provide written evidence of approval for a water permit, if necessary, from the State Water Commission.
 - e. The applicant shall conform to all requirements regarding preservation, removal, or relocation of historical or archeological artifacts.
 - f. The applicant shall provide any reasonable information the Planning Commission deems necessary.
5. **Airports**
 - a. The following minimum conditions shall apply:

- a. Written evidence of approval by the Federal Aeronautics Administration and the North Dakota Aeronautics Commission shall be provided to the Planning Commission.
- b. The applicant shall provide any reasonable information the Planning Commission deems necessary.

6. **Salvage and Junk Yards**

The following minimum conditions shall apply:

- a. All salvage and /or junk yards shall be screened by plantings or solid fences approved by the Planning Commission.
- b. No burning of salvaged material and/or junk shall be permitted.
- c. The applicant shall provide any additional information the Planning Commission deems necessary.

7. **Fuel Storage Tanks and Terminals**

The following minimum conditions shall apply:

- a. Written evidence of approval by the State Fire Marshall and/or respective fire districts shall be submitted to the Planning Commission.
- b. The applicant shall provide any information the Planning Commission deems necessary.

8. **Railroad Trackage and Spurs**

The following minimum conditions shall apply:

- a. No trackage shall be placed within one hundred twenty-five (125) feet of an existing residence unless a written agreement is made with the owner of said residence. Evidence of said agreement shall be submitted to the Planning Commission.
- b. The applicant shall conform to all requirements regarding the preservation, removal, or relocation of historical or archeological artifacts.
- c. The applicant shall provide any reasonable information the Planning Commission deems necessary.

9. **Solid Waste Landfill Center and/or Solid Waste Recycling Center (*adopted May, 1983 amendment*)**

- a. Written evidence of approval by the North Dakota State Health Department for operation of such center shall be provided prior to the issuance of a certificate of Zoning Compliance.
- b. A to-scale site plan shall be provided prior to the issuance of a certificate of Zoning Compliance, and all development within the approved site shall be in accordance with such site plan. The site plan shall be at a scale of not less than 1:3600, and shall show excavation and storage areas and the location and size of buildings and structures.

9.2 AREA REGULATIONS

- 1. Minimum industrial lot size -
 - a. Lots served by public water supply and public sanitary sewer system:
 - 1. Minimum width - sixty (60) feet
 - 2. Minimum area - seven thousand five hundred (7,500) square feet
 - b. Lots not served by either a public water supply or public sanitary sewer system
- (for description of Soil Divisions see Section 13):
- 1. Soil Division I
 - See Section 13.
 - 2. Soil Division II
 - a. Minimum width - one hundred (100) feet
 - b. Minimum area - twenty thousand (20,000) square feet
 - 3. Soil Division III
 - a. Minimum width - one hundred fifty (150) feet
 - b. Minimum area - forty thousand (40,000) square feet
 - 2. Intensity - No requirements.

9.3 YARD REGULATIONS

1. **Front Yard** -

When a lot abuts a road or highway, the minimum building setback measured from the center line shall be:

Minor Arterial	200 feet
Major and Minor Collectors	200 feet
Local Roads	200 feet

Lots having double frontage must provide the required front yards or setbacks on both frontages.

2. **Side Yards** -

Each lot or premises shall have two side yards, one on each side of the principle building. Minimum side yards shall measure ten (10) feet in width, or fifty (50) feet in width when adjacent to a residential district.

3. **Rear Yard** -

Each lot or premises shall have a rear yard with a depth of ten (10) feet, or a depth of fifty (50) feet when adjacent to a residential district.

4. **Buffer Strip** -

A buffer strip of trees or other natural growth of at least thirty (30) feet in width, located on enlarged side or rear yards, shall provide a sight and sound barrier when an industrial use is adjacent to a residential district. The buffer strip shall meet with the approval of the Planning Commission.

9.4 HEIGHT REGULATIONS

None.

9.5 SPECIAL INDUSTRIAL REGULATIONS

1. **Rail Facilities** -

No trackage or railroad facilities of any kind shall be located on the street side of any building nor in any minimum side yard, but if located at the side of a building, the area devoted to such use shall be obscured from view from any bounding street or highway by a fence or wall or screen plantings.

2. **Outdoor Material Storage** -

Outdoor storage of material shall be confined to screened locations and obscured from view from any bounding highway or street and none shall be permitted in any front yard nor any minimum side yard.

3. **Building Construction** -

All buildings erected on any lot and any additions or alterations thereto shall be of permanent construction.

4. **Landscaping** -

Except for necessary walks, driveways, and parking areas, all front and side yards on the street side of a building shall be planted in grass or other ground cover and shrubs, trees, and plant material.

9.6 FENCE REGULATIONS

None in sight line.

9.7 HIGHWAY ACCESS REGULATIONS

When a lot abuts state or federal highways:

1. Access shall be limited to one per quarter mile.
2. The landowner shall provide for frontage road or deed to nearest quarter mile access point to a public highway.
3. Written evidence of approval by appropriate highway authorities shall be provided to the Planning Commission.

9.8 PARKING REGULATIONS

See Section 14.

9.9 LOADING AND UNLOADING REGULATIONS

See Section 15.

9.10 SIGN REGULATIONS

See Section 16.

10. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

In the other districts regulated by this Ordinance, a separate lot must be maintained for each structure containing a permitted use. It is the intent of these district regulations to allow for two or more structures to be maintained on the same zone lot under one or joint ownership to allow diversification in the location of structures on the land. Any development that is not compatible with the general spirit of this Ordinance and damaging to the health, safety, and welfare of the citizens of Oliver County shall not be allowed.

10.1 SITE REGULATIONS

The Planning Commission, in reviewing the application for a Planned Unit Development, must be satisfied that all of the following standards have been met:

1. The total structural development area is defined as forty (40) percent of the total area of the district, excluding streets and drives. The total ground area occupied by buildings and structures shall not exceed the structural development area. The number of dwelling units permitted in this district shall be determined by dividing the total square feet of the structural development area by one thousand five hundred (1,500) square feet.
2. Commercial or multiple-family buildings and structures in any planned unit adjacent to a low-density residential use district, must provide a thirty (30) foot buffer zone. The buffer zone must be landscaped and screen planted to minimize adverse effects on surrounding areas.
3. Safe and efficient vehicular circulation both on the site and at entrances to the public street system.
4. Safe play and recreational areas for residential areas for complexes intended for family occupancy.
5. Preservation of natural features must be part of the proposed development.

10.2 PROCEDURAL REGULATIONS

Applications -

A development plan shall be filed with the Land Use Administrator in all cases where two or more structures containing permitted uses are to occupy a zone lot. Such filing shall include:

1. A statement certifying applicant(s) ownership of the tract.
2. An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to describe the objectives.
3. A site plan showing the major details of the development prepared at a scale of not less than one (1) inch = one hundred (100) feet. The site plan must contain the following minimum information:

- a. The legal description of the land.
- b. The land area included within the development plan, the zoning classification of abutting lands, and all public and private right-of-way and easement abutting or crossing the land area.
- c. The location, lot size, and height of each existing or proposed structure within the designated area.
- d. Areas dedicated or reserved as common park area.
- e. The internal traffic circulation systems, off-street parking areas, and major points of access to public rights-of-way.
- f. Description of existing topography, showing five (5) foot contour intervals.

Review -

1. The applicant for the proposed Planned Unit Development must obtain a District Zoning Map amendment and provide any additional information required by the Planning Commission.
2. Upon hearing and approval of the preliminary plan by the Planning Commission, the applicant shall prepare and submit a final development plan, incorporating any required changes or alterations. The final development plan and the Planning Commission's recommendations shall be forwarded to the Board of County Commissioners for their review and action.

11. RECREATIONAL DISTRICT (RC)

It is the intent of these district regulations to provide for a general farming and recreational area discouraging potentially damaging development and allowing only low-density, seasonal residences.

11.1 USE REGULATIONS

Permitted Uses -

1. Agriculture: Usual buildings, structures, and operations incidental to the operation of a farm or ranch.
2. Resorts, marinas, boat launching, and rental facilities
3. Single-family dwellings (permanent type construction)
4. Golf courses and driving ranges
5. Public park and playground
6. Commercial and retail establishments operated in conjunction with the recreational uses of this zone and for the convenience thereof, e.g. motels, service stations, convenience stores, theaters, restaurants, sporting goods stores, etc.

Accessory Uses -

Accessory uses customarily incidental to the permitted uses in compliance with Section 2.4.

Conditional Uses -

1. Recreational Vehicle Park (temporary or seasonal use only). The following minimum conditions shall apply:
 - a. Minimum campsite area shall be two thousand five hundred (2,500) square feet.
 - b. One comfort station shall be provided for every thirty (30) campsites.
 - c. Refuse disposal receptacles shall be provided not closer than fifteen (15) feet nor more than one hundred fifty (150) feet from every campsite. Said receptacles shall not be located within fifty (50) feet of a water supply, except on permeable soils where a greater distance will be required.
 - d. An approved water supply shall be provided within three hundred (300) feet of every campsite. Written evidence of approval by the State Laboratory of the water supply shall be provided to the Planning Commission.

- e. One camper disposal station shall be provided for each one hundred (100) campsites.
- f. Proposed park regulations shall be submitted by the applicant.
- g. The applicant shall provide any information the Planning Commission deems necessary.

- 2. Electrical Transmission Lines
The following minimum conditions shall apply:
 - a. Transmission line sitings shall have minimum interference with farming and irrigation operations, following quarter or section lines unless otherwise permitted by the landowner.
 - b. Written evidence of said approval by the landowner shall be submitted with the application for approval of a conditional use.
 - c. The applicant shall provide any reasonable information the Planning Commission deems necessary.

11.2 AREA REGULATIONS

- 1. Minimum recreation lot size-
 - a. Lots served by public water supply and public sanitary sewer system:
 - 1. Minimum width - sixty (60) feet
 - 2. Minimum area - seven thousand five hundred (7,500) square feet.
 - b. Lots not served by either a public water supply or public sanitary sewer system (for descriptions of Soil Divisions see Section 13):
 - 1. Soil Division I
See Section 13
 - 2. Soil Division II
 - a. Minimum width - one hundred (100) feet
 - b. Minimum area - twenty thousand (20,000) square feet
 - 3. Soil Division III
 - a. Minimum width - one hundred fifty (150) feet
 - b. Minimum area - forty thousand (40,000) square feet
- 2. Intensity
No requirements

11.3 YARD REGULATIONS

- 1. **Front Yard** -
Each lot or premises shall have a front yard not less than twenty-five (25) feet in depth. When a lot abuts a road or highway, the minimum building setback measured from the center line shall be:

Minor Arterial	200 feet
Major and Minor Collectors	200 feet
Local Roads	200 feet

Lots having double frontage must provide the required front yards or setbacks on both frontages.

- 2. **Side Yards** -
Each lot or premises shall have two side yards, one on each side of the principle building. Each side yard shall not be less than ten (10) feet in width.

- 3. **Rear Yard** -
Each lot or premises shall have a rear yard with a depth of not less than thirty (30) feet.

11.5 FENCE REGULATIONS

None in sight line. No fence, wall, or retaining wall may be built within thirty (30) feet of a natural shoreline that would restrict visual access.

11.6 HIGHWAY ACCESS REGULATIONS

When a lot abuts state or federal highways:

1. Access shall be limited to one per quarter mile.
2. The landowner shall provide for frontage road or deed to nearest quarter mile access point to a public highway.
3. Written evidence of approval by appropriate highway authorities shall be provided to the Planning Commission.

11.7 PARKING REGULATIONS

See Section 14.

11.8 SIGN REGULATIONS

See Section 16.

12. CONSERVATION DISTRICT (CS)

It is the intent of these district regulations to protect the valuable resource base whose characteristics are so delicate that the slightest infringement may alter the area in such a way that it may never be returned to normal from potentially damaging forces. Since the natural resource base is so characteristically sensitive, the provisions of this district shall be strictly applied.

12.1 USE REGULATIONS

Permitted Uses -

1. Agricultural activity not detrimental to the valuable resource base.
2. Passive recreational activities which do not disturb the land.

13. SITE AND SOIL CAPABILITY REGULATIONS

It is the intent of these regulations to maintain high water quality levels and avoid health problems resulting from inadequate provision for soil absorption sewage disposal systems.

13.1 GENERAL REQUIREMENTS

The width and area of lots not served by a public sanitary sewer system or other approved system shall be sufficient to allow for the use of a properly designed, on-site, soil absorption sewage disposal system.

1. Soil Division I

The following soils are characterized by single or multiple limitations including flooding and/or high water tables, slope, depth to rock, and limited or excessive permeability which may render them unsuitable for on-site soil absorption sewage disposal systems. Utilization of these soils for said sewage disposal systems is not permitted.

Aa	(f) (w)	Lb	(p) (w)
BsA	(p) (f)	Md	(mine dumps)
CaE	(p) (s)	Pa	(p) (f) (w)
CbD	(p) (s)	Re	(f) (w)
CbE	(p) (s)	RvE	(s)*
CgE	(p) (s)	Rw	(f) (w)

Co	(w)	SwA	(f)
Dm	(p) (f) (w)	Sx	(f)
Gp	(gravel pits)	Sy	(p) (f) (w)
Ha	(p) (f) (w)	Tx	(p) (f) (w)
Hs	(p) (w)	Vs	(f)
La	(p) (w)	WaD	(s)*
		ZaE	(p) (s)

(p) = limited permeability

(f) = flooding

(w) = high water table

(s) = slope

2. Soil Division II

The following soils are characterized by slight or moderate limitations. The width of all lots shall not be less than one hundred (100) feet and the area of all lots shall not be less than twenty thousand (20,000) square feet.

A. Pollution Hazard Potential

BaC	MbB	SuB
BbA	McB	SuC
BcA	PbA	TaB
BcB	PcA	TbA
LhA	PcB	TeD
LkA	PtC	VkB
MbA	StA	VIB
		VIC

B. Restricted Permeability or Other

ArA	GnA	Hm
ArB	GnB	LIC
ArC	Hb	LnB
FaA	Hc	MaA
FaB	Hd	MaB

3. Soil Division III

The following soils are characterized by severe limitations due to low permeability. The width of all lots shall not be less than one hundred fifty (150) feet and the area of all lots shall be not less than forty thousand (40,000) square feet.

BdA	LcB	SmB
BdB	LeA	SmC
BeA	Lo**	SmD
BeB	MoA	TmA
BmA	MoB	TwB
BmB	MoC	TwC
BmC	MoD	TwD
ChD	MpA	VaC
FcB	MpB	VbD
FIA	MpC	VhD
FIB	MsC	WIA

FIC	NfB	WIB
FwA	RgA	WIC
FwB	RgB	WmC
FxB	RgC	WnC
FxC	RIA	WzD
FxD	RIB	ZaD
GaA	RIC	
GaB	RoB	
GcA	SaA	
GcB	SeC	
GcC	SmA	
LcA		

* Falls in Soil Division III when slope is less than 15%

** Falls in Soil Division I if unprotected from flooding

4. **Soil Absorption System** -

Soil absorption system shall not be located at a point lower than the grade of any nearby water well or spring and shall not be within ten (10) feet of a dwelling, within fifty (50) feet of a private water supply, or within one hundred (100) feet of a public water supply, stream, river, lake, reservoir, or other water areas.

5. **Modification** -

An applicant desiring to install said facilities on soils with limitations shall have the opportunity to present evidence contesting said classification. The Planning Commission shall affirm, modify, or change the classification.

6. **Shorelines** -

A minimum of one hundred (100) feet shall be maintained between all structures and the natural shoreline of streams, rivers, lakes, reservoirs, or other water areas.

14. **PARKING REGULATIONS**

No application for a building permit or certificate of occupancy shall be approved unless there is included within the plan for such building, improvement, or use, the required open space designated as being reserved for off-street motor vehicle parking purposes. No certificate of occupancy shall be issued unless the required facilities have been provided in accordance with those shown on the approved plan. Such off-street parking shall be provided on the basis of the minimum requirements set forth in this section.

14.1 **USE REQUIREMENTS**

In the case of structures or uses not mentioned, the requirements for a similar use shall apply. Fractions over one-half (1/2) shall require one (1) parking space.

1. **Dwellings** -

- a. Single-family dwellings - one (1) space for each dwelling unit.
- b. Multiple-family dwellings - 1.5 spaces for each dwelling unit.

2. **Schools** - One (1) space for each two (2) staff members/employees plus one (1) space for each classroom.

3. **Hospitals** - One (1) space for each two (2) patient beds, plus one (1) space for each staff doctor plus one (1) space for each two (2) employees.

4. **Places of Public Assembly** - One (1) space for every five (5) seats, based on maximum seating capacity.

5. **Commercial Establishments** -

a. Dining and drinking establishments - One (1) space for each four (4) seats planned for patron use.

b. Hotels and rooming houses - One (1) space for each two (2) guest rooms.

c. Motels - One (1) space for each guest room or cabin.

d. Theaters - One (1) space for each five (5) seats planned for patron use.

e. Retail establishments - One (1) space for each one hundred (100) square feet of floor area.

f. Office Buildings - One (1) space for each four hundred (400) square feet of floor area.

6. **Manufacturing/Wholesale/Industrial Establishments** - One (1) space for each two (2) employees, one (1) space for each piece of company-owned or leased rolling stock, and one (1) visitor parking space for each ten (10) employees.

14.2 GENERAL REQUIREMENTS

1. **Location** -

Off-street parking required by this section shall be located on the same zone lot; but because of practical difficulties, may be located upon another parcel of land under the same ownership within four hundred (400) feet of the premises to which they are appurtenant.

2. **Size** -

Each parking space shall be not less than one hundred eighty (180) square feet exclusive of the space required for ingress and egress.

3. **Surfacing** -

All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained.

4. **Continuing obligation** -

Requirements for off-street parking shall be a continuing obligation so long as the structure is in existence and its use requiring vehicle parking continues. The off-street parking area shall not be encroached upon by buildings, storage, or any other use. A reduction in the number of spaces by reason of diminution of floor space, seating capacity, number of employees, or change in other factors controlling the regulation of the number of required parking spaces, by the Planning Commission must be both reasonable and consistent with the intent of this section.

5. **Joint Cooperation** -

These requirements are not intended to prohibit joint off-street parking facilities but the minimum number of spaces required for each use shall be measured separately.

6. **Mixed Uses** -

Plans with mixed uses shall provide spaces equal to the sum of the requirements of the various uses computed separately.

15. **LOADING AND UNLOADING REGULATIONS**

No application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included within the plan for such building improvement or use the required space of structural design for off-street loading purposes to be provided in connection with such building, improvement, or use, in accordance with this section;

and no certificate of occupancy shall be issued unless the required facilities have been provided in accordance with those shown on the approved plan.

15.1 GENERAL REQUIREMENTS

1. Number of Berths -

Each department store, freight terminal, or railroad yard, hospital or sanitarium, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishment, which has an aggregate gross floor area of twenty-five thousand (25,000) square feet or more, arranged, intended, or designed for such use, shall provide off-street loading or unloading berths in accordance with the following table:

<u>Square feet of Gross Floor Area Devoted to Such Use</u>	<u>Required Number of Berths</u>
25,000 but less than 40,000	1
40,000 but less than 80,000	2
80,000 but less than 120,000	3
120,000 but less than 160,000	4
160,000 but less than 240,000	5
For each additional 50,000	1 additional

2. Location -

All loading and unloading operations shall be so located as to avoid undue interference with public use of streets, alleys, and walkways. These spaces shall not be located in the front of the structure, nor shall they infringe on any side or rear yard requirements.

16. SIGN REGULATIONS

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without an outdoor advertising permit except those signs subject to the regulations of Chapter 24-17, North Dakota Century Code, or the following sign types:

1. Signs required by law or authorized for a public purpose
2. Official traffic control, parking restriction, or informational signs
3. Danger or warning signs of a cautionary nature
4. Cornerstones and historical markers
5. Real estate for sale, rental, or lease signs
6. Building name signs, name plates and addresses
7. Window displays of actual merchandise

16.1 GENERAL REQUIREMENTS

1. Location -

Signs shall be incidental to the permitted use and shall be located on the same zone lot as the permitted use.

2. Maintenance -

Signs shall be maintained in good repair. Broken signs, deteriorated signs, or signs on vacant buildings may be ordered repaired or removed by the Planning Commission.

3. **Safety Restrictions -**

Signs shall not resemble, imitate, or approximate shape, size, form, or color of railroad or traffic signs, signals, or devices, nor shall they obstruct or interfere with effectiveness of railroad or traffic signs, signals, or devices.

4. **Distance from Residential Districts -**

No sign except those falling outside the jurisdiction of this Ordinance shall be permitted to face a residential district within one hundred (100) feet of such district boundary.

5. **Non-Conformance -**

Signs lawfully existing at the time of adoption of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, they shall be deemed non-conforming uses or structures and the provisions of Section 2.6 shall apply.

6. **Outdoor Advertising Permit -**

All signs regulated by this Ordinance must have an Outdoor Advertising Permit from the Land Use Administrator. Said permit shall operate for a period of five (5) years, any portion of a year considered as a full year, and shall be renewed on or before December 31st of the expiration year, provided that such renewal will not adversely affect public health, safety, or welfare. The fee for said permit shall be established by the Board of County Commissioners.

16.2 DISTRICT REQUIREMENTS

1. **Residential Districts -**

- a. Home and professional occupations shall be permitted one non-illuminated and non-animated sign of one (1) square foot.
- b. All permitted uses other than dwellings shall be allowed signs totaling forty (40) square feet in area. Such signs may be illuminated but shall not be animated or flashing.
- c. The maximum height of a sign located on a wall shall be twenty (20) feet. The maximum height of a free-standing sign shall be six (6) feet.

2. **Commercial and industrial Districts-**

- a. All permitted uses shall be allowed signs totaling two hundred (200) square feet.
- b. The maximum height of a sign located on a wall of any structure shall be forty (40) feet. The maximum height of a free-standing sign shall be twenty-five (25) feet.

17. ADMINISTRATION, PROCEDURES, AND PERMITS

This section of the Ordinance establishes the duties of the duly authorized county bodies or authorities instrumental in the administration of said Ordinance and establishes the various procedures and permits necessary for its proper implementation.

17.1 ADMINISTRATION

Oliver County Planning Commission

Authority

The Oliver County Planning Commission was established by the Oliver County Board of County Commissioners in accordance with the North Dakota Century Code, Chapter 11-33-04.

Duties

1. Establish and administer rules and procedures for conducting the zoning affairs of Oliver County.

2. Conduct hearings on zoning amendments and forward recommendations to the Board of County Commissioners.
3. Conduct hearings on conditional uses and set conditions for certain uses.
4. Establish requirements and procedures necessary for submission of applications.
5. Establish bonding, fee schedules, and accounting thereof, said bonding, schedules, and accounting subject to approval of the Board of County Commissioners.

Board of Adjustment

Authority

The Board of County Commissioners shall act as a Board of Adjustment in accordance with the North Dakota Century Code, Chapter 11-33-11.

Duties

1. The Board shall hear appeals from any person, party, firm, or organization aggrieved by the actions or decisions of the Planning Commission.
2. The Board may authorize a variance from the terms of this Ordinance.

Land Use Administrator

Authority

The Planning Commission shall appoint a Land Use Administrator to carry out directives and duties as assigned by the Planning Commission. Said administrator shall be responsible directly to the Planning Commission.

Duties

1. Attend all hearings.
2. Maintain updated copies of the Ordinance and District Zoning Map.
3. Keep copies of all records.
4. Make inspections of land and/or structures to determine compliance with the provisions of this Ordinance.
5. Issue authorized permits in compliance with provisions of this Ordinance.
6. Carry out any other duties assigned by the Planning Commission.

17.2 PROCEDURES

AMENDMENTS *(amended 12/6/1977)*

The Oliver County Planning Commission, the Board of County Commissioners, or any person may initiate an amendment to either the zoning ordinance or the zoning map in the manner herein set forth.

Procedures for Making Amendments

- a. Applications for amendments shall be submitted to the Land Use Administrator. The application shall include:

1. Name and address of the applicant
2. Date of application
3. The applicant's statement of interest and description of proposed amendment.

- b. Upon receipt of such application the Land Use Administrator shall immediately file such application with the County Auditor, shall set a date for public hearing on the proposed amendment, and shall notify both the applicant and the Planning Commission of the date of such public hearing.

- c. Notice of the hearing shall be the responsibility of the applicant. Notice of the hearing shall be published once a week for two consecutive weeks in the official newspaper of the County, and in such other newspapers as the Planning Commission deems necessary. Notice shall include the time, place, and purpose of the hearing. Notice shall also describe the nature, scope, and purpose of the amendment, and shall also state the times at which it shall be available

to the public for inspection and copying in the office of the County Auditor. Proof of publication of the notice shall be filed with the County Auditor and a copy thereof shall be presented to the Land Use Administrator.

d. Following the public hearing, the Planning Commission shall submit its recommendation concerning the proposed amendment to the Board of County Commissioners for a decision.

e. Upon the receipt of the recommendation of the Planning Commission, the Board of County Commissioners may request such further information from the Planning Commission as the Board of County Commissioners deems advisable, and upon receipt of such information, the Board of County Commissioners may either reject the amendment or adopt same with such changes as it deems advisable. Any amendment adopted shall be published and shall take effect in the manner provided by Chapter 11-33 of the North Dakota Century Code.

Grievances

Any person aggrieved by the adoption of this Ordinance by the County Commissioners, or any amendment thereto or by any action of the Planning Commission, may, within sixty days after the effective date of such adoption, amendment, or action, petition for a separate hearing before the Board of County Commissioners.

Procedure

1. The petition shall be in writing, shall specify in detail the grounds of the objection, and shall be filed with the Land Use Administrator.
2. A hearing thereon shall be held by the board no sooner than ten (10) days, nor longer than forty (40) days after the filing of the petition with the Land Use Administrator, who shall notify the petitioner of the time and place of the hearing.
3. The Board of County Commissioners shall consider the matter complained of and shall notify the petitioner, by registered or certified mail, what action, if any, it proposes to take thereon.
4. The provisions of this section shall not operate to curtail or exclude the exercise of any other rights or powers of the Board of County Commissioners or any citizen. Any person, or persons, jointly or severally aggrieved by a decision of the Board of County Commissioners may appeal to the district court in the manner provided in Chapter 11-11-39 of the North Dakota Century Code.

Variances

The Board of Adjustment may authorize a variance from the terms of this Ordinance. The Board must find that the granting of such a variance will not merely serve as a convenience to the applicant, but alleviate some demonstratable or unusual hardship or difficulty. The following conditions must exist:

1. The property has exceptional, unique, or special characteristics different from other property, particularly adjacent property.
2. Enforcement of the Ordinance, with regard to properties having such characteristics, results in unnecessary and undue hardship.
3. Granting of the variance would have no adverse effect on the public interest, safety, health, and welfare.
4. Granting of a variance would have no adverse effect on neighboring property.

Under no circumstances shall the Board grant a variance allowing a use within a district not permissible under the terms of this Ordinance, nor shall the Board use the variance for a change affecting a large number of properties.

Procedure

1. Applications for a variance shall be submitted to the Land Use Administrator. The applications shall include:
 - a. Name and address of applicant.

- b. Date of application.
 - c. The special conditions or circumstances which are peculiar to the applicant's land or structure or a result of applicant's actions.
2. A hearing shall be held and the Land Use Administrator shall be notified, in writing, of the Board's decision.

17.3 PERMITS

Building Permit

1. A building permit shall be required for all new uses; remodeled, expanded, or otherwise altered permitted uses; and all conditional uses. No permit shall be required for normal agricultural uses.
2. Applications for a building permit shall be accompanied by a plat in duplicate, drawn to scale, showing the name of the applicant, the actual dimensions of the lot to be built upon as shown by a survey, the size, shape, and location of any structures to be erected, and such other information required or necessary for the enforcement of this Ordinance.
3. In case construction or exploration is not begun within six (6) months after the date of issuance of a Building Permit or an Outdoor Advertising Permit, said permit shall be cancelled, unless an extension is granted.
4. All building permits must be obtained before construction. Failure to obtain a building permit shall constitute a violation of this Ordinance.
5. It shall be unlawful for any association, company, person, firm, cooperative, or corporation to supply electrical current or power to any building or structure within the zoned area of Oliver County, unless an Occupancy Permit has been issued by the Land Use Administrator, certifying that building or structure is in conformance with this Ordinance.

Conditional Use Permit

A Conditional Use Permit shall be granted following compliance with, but not limited to, the conditions set forth in the district regulations and the following procedure:

Procedure

1. Applications for Conditional Use Permits shall be submitted to the Land Use Administrator. The applications shall include:
 - a. Name and address of applicant.
 - b. Date of application.
 - c. Description of the site and its relationship to the surrounding area.
 - d. Preliminary map showing boundary lines and location of structures to be developed on the site.
 - e. Topographic map in five (5) foot contours of the site.
 - f. General soils of the site.
 - g. Location of existing utilities and/or proposed utility extensions.
 - h. Parking plan showing off-street parking areas and/or loading areas.
 - i. A timing schedule indicating the anticipated starting and completion dates of the development.
 - j. Names and addresses of adjacent property owners.
 - k. Any reasonable information the Planning Commission deems necessary.
2. The Planning Commission shall hold a public hearing before any action is taken on the application. Notice of said hearing is to be the responsibility of the applicant.
3. Following the public hearing, the Planning Commission shall submit its recommendations concerning the permit request to the Board of County Commissioners for their decision.

Temporary Permits

Applicants shall obtain a temporary permit from the Planning Commission for the following and all other additional uses determined by the Planning Commission:

- a. Bazaars, carnivals, or fairs

- b. Musical events
- c. Racing events
- d. Revivals
- e. Rodeos
- f. Parking lots for special events
- g. Public gatherings for a single-purpose event
- h. Temporary building or yard for construction materials and/or equipment incidental and necessary for current construction in the immediate surrounding area.
- i. Temporary office incidental and necessary for the construction, sale, or rental of the property in the immediate surrounding area.

Procedure

1. Applications for Temporary Use Permits shall be submitted to the Land Use Administrator. The applications shall include:
 - a. Name and address of applicant.
 - b. Date of application.
 - c. Written description of location of the site and/or event.
 - d. Location of temporary structures incidental to operation of the event.
 - e. Written statement of the hours of operation and duration of the event.
 - f. Written evidence of approval of landowner of proposed site.
 - g. Written evidence of approval by Oliver County Board of Health for sanitation facilities.
2. Permits shall be valid for such period of time as determined by the Planning Commission and shall be renewable at the discretion of the Commission. A performance bond may be required by the Board of County Commissioners.

18. ENFORCEMENT

It shall be unlawful to construct, develop, or use any structure, or to develop or use any land, water, or air in violation of any of the provisions of this Ordinance.

1. Complaints -

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Land Use Administrator, who shall record said complaint, notify the Planning Commission, and conduct an investigation.

2. Remedies -

If any structure is unlawfully constructed, developed, or used, or any land, water, or air is unlawfully developed or used in violation of the provisions of this Ordinance, the Board of County Commissioners or any affected citizen or property owner may institute any appropriate action or proceedings, in addition to other remedies, to:

- a. Prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
- b. Restrain, correct, or abate such violations;
- c. Prevent the occupancy of the building, structure, or land;
- d. Prevent any illegal act, conduct, business, or use in or about such premises.

3. Penalties -

A violation of any provision of this Ordinance, its regulations and restrictions, shall constitute the maintenance of a public nuisance. Upon conviction there shall be a penalty of a fine of not more than two (2) percent of the assessed value or two hundred dollars (\$200), whichever is greater, or imprisonment in the county jail for not more than thirty (30) days, or both such fine or imprisonment. Each day in violation of this Ordinance shall constitute a separate offense.

19. DEFINITIONS

19.1 GENERAL TERMS

Words used in the present tense include the future; the singular number includes the plural and the plural shall include the singular. The word person includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word shall is mandatory; the word may is permissive.

19.2 SPECIFIC TERMS

Accessory Use - a use on the same lot with, and of a nature customarily incidental and subordinate to, the principle use.

Accessory Structure - a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principle structure or use.

Alley - a minor street providing vehicular service access to the back or side of two or more properties.

Amendment - any change, revision, or modification of the text of this Ordinance or the District Zoning Map.

Animal Hospital or Clinic - an establishment where animals are admitted principally for examination, treatment, board, and care by a Doctor of Veterinary Medicine.

Board of Adjustment - the Board of County Commissioners, or a body authorized by them, which hears appeals on the enforcement of the provisions of this Ordinance and grants variances.

Buffer Strip - an area of the lot, usually along the perimeters, provided with trees, shrubbery, or fencing which serves as a sight and sound barrier.

Building - any structure designed, or intended for the enclosure, shelter, or protection of persons, animals, or property.

Camper Disposal Station - a facility for the disposal of camper or recreational vehicle solid and liquid waste holding tanks.

Clear Sight Triangle - an area of unobstructed vision at a street intersection defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

Coal Excavation and Mining (12/6/77) - The stripping and stockpiling of suitable plant growth material, the removal and stockpiling of overburden, the excavation of the coal, and the reclamation of the area as required by State and/or Federal law.

Commercial Sand, Gravel, and Scoria Operations - the lease, sale, or rental of land for the purpose of opening a sand, gravel, and/or scoria pit and the processing of the material of said pit for sale or resale. The provisions of this Ordinance regarding commercial sand, gravel, and/or scoria operations do not apply to a farmer's incidental use of his private operation or to an operation by a political subdivision.

Conditional Use - any use to which the Planning Commission shall set specific conditions, all of which must be met prior to approval of said use in a district.

Districts - the areas of Oliver County for which the regulations governing the use of the land and the use, density, bulk, height, and location of structures and buildings are uniform.

District Zoning Map - the map showing the zoning districts of Oliver County officially adopted by the Board of County Commissioners.

Easement - a vested or acquired right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner who holds title to the land.

Farm - a tract of land devoted to agricultural activities.

Home and Professional Occupations - a gainful occupation conducted by members of the family only within the dwelling or on the premises, which is clearly incidental or secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, provided that no display except a regulated sign will indicate from the exterior that the building or land is being utilized in part for any purpose other than that of a dwelling.

Intensity - a means of regulating density by restricting the percentage of a lot that may be occupied by a structure or use.

Land Use Administrator - the officer appointed by the Planning Commission to administer the zoning affairs of Oliver County.

Livestock Auction Ring - an enclosure or structure designed or used for holding livestock for purpose of sale, or transfer by auction, consignment, or other means.

Living Unit - a residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Local Roads - the remaining mileage not otherwise classified as major or minor collectors by the State Highway Department, shall be assigned to the rural local road system.

Lot - a tract of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and provide such yards and other open space as are herein required.

Lot Coverage - The total area of a lot covered by buildings, expressed as a percentage of the total lot.

Lot Depth - the mean horizontal distance between the front and rear lot lines.

Lot of Record - a lot which is part of a subdivision, the map of which has been recorded in the office of the County Auditor and Register of Deeds of Oliver County, or a parcel of land, the deed of which was recorded in the office of the Register of Deeds, prior to the adoption of this Ordinance.

Lot Width - the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the rear of the required front yard.

Major Collector - serving the county seats, large towns, and other traffic generator or serving as important intra-county travel corridors and designated as such by the State Highway Department.

Mineral Exploration Operations - any operation involved in the search, exploration, or prospecting of any substance or mineral which involves the penetration of the land surface by digging, drilling, or excavating.

Minor Arterial - linking cities and larger towns, forming an integrated network for inter-county travel, and designated as such by the State Highway Department.

Minor Collector - collecting traffic from local roads, providing service to small communities and linking important traffic generators with their rural hinterland and designated as such by the State Highway Department.

Minor Structure - any small, movable accessory erection or construction such as tool houses, pet houses, play equipment, and arbors.

Mobile Home Dwelling - a structure, transportable in one or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained herein. All mobile home dwellings are titled by the Motor Vehicle Division of the State Highway Department.

Mobile Home Park - a tract of land designed and developed to accommodate mobile homes, each occupying a portion of the site on a purchase, lease, or rental basis, and each provided with the necessary utilities and other amenities so that the total development serves as a suitable environment for long-term residential occupancy.

Motor Vehicle - any vehicle requiring a motor vehicle license from the State of North Dakota.

Multiple Family Dwelling - a residential building designed for occupancy of two or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Non-Conforming Use - any building or tract of land lawfully occupied by a use, at the time of passage of this Ordinance or amendments thereto, which does not conform with the provisions of this Ordinance or amendments thereto.

Non-Farm Residence - a residential building designed for occupancy of one family; whose primary occupation is not devoted to an agricultural activity.

Parking Space - an area for the purpose of storing one parked automobile. For the purpose of this Ordinance, one parking space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet. In computing off-street parking, additional space shall be required off-street for access drives to each.

Permanent Type Construction - must be a wood frame, brick, stone, tile, or metal panel, painted, on concrete or concrete block foundation. This type of construction shall not have tar paper or similar exteriors and shall not be a shack, hut, Quonset, or old railroad car, bus, etc.

Permitted Use - any use which complies with the requirements of a zoning district.

Pipelines--Industrial, Municipal, and Commercial - any pipelines conveying material within the county.

Planned Unit Development (PUD) - an area of land, controlled by the landowner (s), to be developed as a single entity for a number of dwelling units, and commercial and industrial uses, if any, the plan for which does not correspond in lot size, bulk, or type of dwelling or commercial or industrial use, density, lot coverage, and required open space to the regulations established in any one or more districts created, from time to time, under the provisions of this Ordinance.

Planning Commission - The Oliver County Planning Commission.

Plat - any map, plan, or chart of a tract of land or subdivision indicating the location and boundaries of individual properties.

Plot - a parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or metes and bounds.

Principle Structure - a structure housing the primary, permitted use, allowed as a matter of right within a particular zone.

Ranch - See **Farm**.

Rear Yard - a yard extending across the full width of the lot from side lot lines, the depth of which is the least distance between the rear lot line and the rear of the principle building.

Recreation Vehicle - a vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for human occupancy and is designed for vacation or recreation purposes but not for residential use.

Recreation Vehicle Park - a tract of land designed, utilized, and operated on a fee or other basis as a place for the temporary parking of occupied recreation vehicles.

Right-of-Way - an area, either public or private, over which the right of passage exists. The right-of-way shall not be considered as land area when computing lot size.

Salvage Yard or Junk Yard - a tract of land, or structure, or part thereof, used primarily for the collecting, storage, and sale of scrap or discarded material or for the collecting, dismantling, or storing and salvaging of machinery or vehicles not in running order, or for the sale of parts thereof.

Setback - the line within a property defining the required minimum distances between any structure or use of right-of-ways, centerlines, section lines, or other designated points.

Side Yard - a yard extending from the rear line of the required front yard to the rear lot line, the depth of which is the least distance from the sides of the principle building and the side lot line.

Sight Line - see **Clear Sight Triangle**.

Sign - any outdoor advertising having a permanent location on the ground or attached to or painted on a building, including bulletin boards, billboards, name plates, and poster boards.

Single-Family Dwelling - a detached residential unit designed for and occupied by one family. A mobile home with permanent foundation is considered a single-family dwelling.

Street - except for the section lines, a way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land place, or however else designated..

Structure - anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

Subdivision - (2/26/82) any land, vacant or improved, which is divided or proposed to be divided onto two or more lots, parcels, sites, units, plots, or interests for the purpose of transfer of

ownership or building development, whether immediate or future, or if a new street is involved, any division of a parcel of land. The term subdivision includes resubdivision and the term resubdivision, as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use or other purposes, which varies from the latest approved subdivision of the same. The division of agricultural land, for agricultural purposes, into parcels of more than 10 acres, not involving any new street, shall not constitute a subdivision.

Tract - a plot, piece, or parcel of land, other than a lot, which is recorded in the office of the Register of Deeds.

Transmission Line - (11/6/79) overhead electrical line(s) larger than 115 kv.

Use - the specific purpose for which land or buildings are intended.

Variance - a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open space.

Yard - a space on the same lot with the principle building or structure, open, unoccupied, and unobstructed by buildings or structures from the ground upward.

20. SUBDIVISION REGULATIONS (2/26/82)

Requirements to Meet Subdivision Regulations

No person shall cause or create a subdivision or resubdivision of land unless having complied with the provisions of this Section 20 and the other requirements of this Ordinance. Every new lot, plat, tract, or parcel of land created by subdivision for immediate or future transfer, sale, or lease for building development, shall be situated entirely within a district zoned other than as an Agricultural District.

20.1 Filing Checklist

Step 1 - Prior to filing an application for conditional approval of the Preliminary Plat, the subdivider shall submit the necessary information to the Oliver County Planning Commission. (See Pre-Application Procedure for information required.)

Step 2 - If the Planning Commission determines that the plans and data submitted by the subdivider do meet the requirements and objectives of the Subdivision Regulations, the subdivider may begin the preparation of the Preliminary Plat. (See Procedure for Conditional approval of Preliminary Plat for information required.)

Step 3 - Submit twelve copies of the Preliminary Plat to the Planning Commission with a written application for conditional approval at least ten days prior to the meeting at which the Preliminary Plat is to be considered.

Step 4 - Obtain a copy of the conditionally approved Preliminary Plat after the Planning Commission has acted.

Step 5 - Application for approval of the Final Plat shall be submitted in writing to the Planning Commission at least ten days prior to the meeting at which it is to be considered. The Final Plat shall be submitted to the Planning Commission within two months after approval of the Preliminary Plat unless the Planning Commission grants a longer period. (See Approval of Final Plat.)

Step 6 - Post performance Bond with County Auditor.

Step 7 - The signature of the County Engineer indicating his approval must appear on the Final Plat prior to submission to the Board of County Commissioners for approval.

Step 8 - The Planning Commission shall forward the approved Final Plat to the Board of County Commissioners for final approval and signatures.

Step 9 - After the Board of County Commissioners has approved the Final Plat, the developer shall file with the Planning Commission for distribution to the appropriate agencies, a sufficient number of copies of the approved plat. The number of copies necessary shall be determined by the Planning Commission.

Step 10 - The subdivider shall file the Final Plat with the Oliver County Register of Deeds and shall file a certified copy of the Final Plat with the Oliver County Auditor.

20.2 Filing Procedures and Date Requirements

A. Pre-Application Procedure

1. Prior to filing an application for conditional approval of the Preliminary Plat, the subdivider shall submit the following plans and data to the Oliver County Planning Commission:

a. Location Map - shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. The location map shall include: the development name and location; main traffic arteries; public transportation lines; shopping centers; elementary and high schools; parks and playgrounds; principal places of employment; other community features such as railroad stations, airport, hospitals, churches; title; scale; north arrow; date and any other pertinent information.

b. Sketch Plan in Topographic Survey - shall show in single sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a free-hand pencil sketch made directly on a print of the topographic survey. The sketch plan shall include either the existing topographic data and such other data as the Planning Commission determines is necessary for its consideration of the proposed sketch plan.

c. General Subdivision Information- shall describe or outline the existing conditions of the site and proposed development as necessary to supplement the required drawings. This information may include, but is not limited to, data on existing covenants, land characteristics, and available community facilities utilities, and information describing such subdivision proposals as number of residential lots, typical lot width and depth, business areas, playgrounds, park areas, and other public areas, proposed protective covenants and proposed utilities and street improvements. This step does not require a formal application, fee, or filing of plat with the Planning Commission.

2. Within 15 days after submittal, the Planning Commission shall inform the subdivider that the plans and data as submitted or as modified do or do not meet the objectives of these regulations. When the Planning Commission finds the plans and data do not meet the objectives of the subdivision regulations, it shall state the reasons for its rejection and what changes are required for approval.

B. Procedure for Conditional Approval of Preliminary Plat

1. Once it has been determined by the Planning Commission that the plans and data submitted by the subdivider do meet the requirements of these regulations, the subdivider shall prepare the preliminary plat. The following requirements are necessary for the conditional approval of the preliminary plat:

a. Topographic Data - shall include the following existing conditions except when otherwise specified by the Planning Commission:

(1) Boundary lines - bearings and distance

(2) Easements - location, width, and purpose

(3) Streets on and adjacent to the tract - name and right-of-way width and location; type, width, and elevation of surfacing; any legally established center-line elevations; walks, curbs, gutters, culverts, etc.

(4) Utilities on and adjacent to the tract - location, size and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, show invert elevation of sewers.

(5) Subsurface conditions on the tract - If required by the Planning Commission and the County Engineer location and results of tests made to ascertain: subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of 5 feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.

(6) Other conditions on the tract show: water courses, marshes, rock outcrops, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, shacks, and other significant features upon a topographic map in five (5) foot or less contours.

(7) Other conditions on adjacent land show: approximate direction and gradient of ground slope, including any embankments, or retaining walls; character and location of buildings, railroads, power lines, towers, and other nearby non-residential land use or adverse influences; owners of adjacent unplatted land. For adjacent platted land refer to subdivision plat by name, recordation date, and number. Show approximate percent that is built up, typical lot size, and dwelling type.

(8) Photographs, if required by the Planning Commission: camera locations, directions of views and key numbers.

(9) Zoning on and adjacent to the tract, if any.

(10) Proposed public improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.

(11) Key plan showing location of the tract.

(12) Title and certificates: Submit tract designation according to official records, title under which proposed subdivision is to be recorded, names and addresses of owners, notation stating acreage, scale, north arrow, datum, benchmarcks, certification by a licensed land surveyor, date of survey.

(13) Submit a plot prepared according to state law by a licensed land surveyor.

b. The preliminary plat shall be at a scale of one inch to two hundred feet (1:2400). It shall show all existing conditions required in Topographic Data and shall show all proposals including the following:

(1) Streets: Names; right-of way and roadway widths; approximate grades and gradients; similar data for alleys, if any.

(2) Other rights-of-way or easements; locations, width and purpose.

(3) Location of utilities, if not shown on other exhibits.

(4) Lot lines, lot numbers, and block numbers.

(5) Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses.

(6) Sites, if any for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.

(7) Minimum building setback lines.

(8) Site data, including number of residential lots, typical lot size, and acres in parks, etc.

(9) Title, scale, north arrow, and date.

c. Other Preliminary plans - when required by the Planning Commission, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalk; and preliminary plan of proposed sanitary and storm water sewers with grades and sizes indicated.

d. Protective Covenants - submit a draft of protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

2. Twelve (12) copies of the preliminary plat and supplementary material specified above shall be submitted to the Planning Commission with written application for conditional approval at least ten days prior to the meeting at which it is to be considered. The Planning Commission shall forward copies of the preliminary plat to the following agencies: County Engineer, County Water Management District Board, County Board of Health, State's Attorney, Land Use Administrator, Lewis and Clark 1805 RCD Council, local Soil Conservation District, affected rural fire district, and the local electric and telephone companies servicing the proposed area.

3. Following (a) review of the preliminary plat and other material submitted to conformity to the subdivision regulations and (b) negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Commission shall, within forty days, act on the preliminary plat, as submitted, or modified, and, if approved, the

Planning Commission shall express approval as Conditional Approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor.

4. The action of the Planning Commission shall be noted on two copies of the preliminary plat, referenced and attached to any conditions determined by the Commission. One copy shall be returned to the subdivider and the other retained by the Planning Commission.

5. Conditional Approval of the preliminary plat shall not constitute approval of the final plat. Rather it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which shall be submitted for approval of the Planning Commission and for the recording upon fulfillment of the requirements of these regulations and the conditions of the Conditional Approval, if any.

C. Procedure for Approval of a Final Plat

1. The final plat shall be prepared by a Licensed Land Surveyor in accordance with State law and the requirements of the regulations.

2. A performance bond guaranteeing the construction of the improvements by the developer shall be posted with the County Auditor.

3. Application for approval of the Final Plat shall be submitted in writing to the Planning Commission at least ten days prior to the meeting at which it is to be considered.

4. The final plat shall show the following:

a. Primary control points, approved by the County Engineer, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.

b. Tract boundary lines, right-of-way lines of street, easements, and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings, or deflection angles, and radii, arcs, or central angles of all curves.

c. Name and right-of-way width of each street or other right-of-way.

d. Location, dimensions, and purpose of easement.

e. Number to identify each lot or site.

f. Purpose of which sites, other than residential lots, are dedicated or reserved.

g. Minimum building setback line on all lots and other sites.

h. Location and description of monuments.

i. Names and record owners of adjoining unplatted land.

j. Reference to recorded subdivision plats of adjoining platted land by record name, date, and number.

k. Certification by a Licensed Land Surveyor.

l. Certification of title.

m. Statement by owner dedicating street, rights-of-way, and any sites for public use.

n. Title, scale, north arrow, and date.

o. Cross sections and profiles of streets showing grades approved by the County Engineer. The profiles shall be drawn to county scales and elevations and shall be based on a datum plane approved by the County Engineer.

Attach to plat:

p. A certificate by the County Engineer certifying that the subdivider has complied with applicable county rules and regulations relating to improvements not on plat attached thereto.

q. Protective covenants in form for recording not on plat attached thereto.

r. Other data: such other certificates, affidavits, endorsements, or deductions as may be required by the Planning Commission in the enforcement of these regulations not on plat attached thereto. The final plat shall be submitted to the Planning Commission within two months after approval of the preliminary plat; otherwise such approval will become null and void unless an extension of time is applied for and granted by the Planning Commission.

5. The Planning Commission shall forward the approved final plat to the Board of County Commissioners for final approval and signatures.

6. The final plat shall not be approved by the Board of County Commissioners until the signature of the County Engineer of Oliver County appears on the final plat.

7. Upon approval of the final plat by the Board of County Commissioners, the developer shall file with the Planning Commission for distribution to the appropriate agencies a sufficient number of copies of the plat as approved by the Board of County Commissioners. The number of copies shall be in the amount determined by the Planning Commission to be necessary.
8. The developer shall file the final plat with the Oliver County Register of Deeds and file a certified copy of the final plat with the Oliver County Auditor.

20.3 DESIGN STANDARDS

- A. Streets
 1. The arrangements, character, extent, width, grade and location of all streets shall conform to road standards of Oliver County. Design will consider relation to: existing and planned streets, topographic conditions, public convenience and safety, and relation to the proposed uses of the land to be served.
 2. The arrangement of streets in the subdivision shall either:
 - a. Provide for the continuation of existing principle streets in surrounding areas; or
 - b. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance of existing streets impractical.
 3. Minor streets shall be so laid out that their use by through traffic will be discouraged.
 4. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require: marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
 5. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way. Said streets shall be located that the intervening land can be used for park purposes in residential districts, or commercial or industrial purposes in appropriate districts. The distance shall be determined with due consideration of requirements for approach grades and future grade separations.
 6. Street centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.
 7. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
 8. When connecting street centerlines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor or collector streets, unless the Planning Commission shall determine a greater radii.
 9. Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty degrees.
 10. Street right-of-way widths shall be not less than as follows:

<u>Street Type</u>	<u>Right-of-way</u>
Arterial	80 feet
Collector	80 feet
Minor, for row houses and apartments	66 feet
Minor, for other residences	66 feet
Marginal Access	50 feet
 11. Half street shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of the regulations; and where the Planning Commission finds it will be practicable to require the dedication of the other

half when the adjoining property is subdivided, the other half of the street shall be platted within such tract. Both owners will have to sign the plat.

12. Permanent dead-end streets shall not be longer than six hundred (600) feet and shall be provided at the closed end with a turn-around having the outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred (100) feet.

B. Alleys

1. Alleys or service drives shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

2. The width of an alley shall be a minimum of twenty (20) feet.

3. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

4. Dead-end alleys shall be avoided where possible, but if unavoidable and approved by the Planning Commission, shall be provided with adequate turn-around facilities at the dead-end.

C. Easements

1. Easements across lots or centered on rear or side lot lines shall be provided for utilities, such easements to be not less than ten (10) feet. The centerline of such easement may coincide with lot lines.

2. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connections therewith.

D. Blocks

1. The lengths, widths, and shapes of blocks shall be determined with due regard to:

a. Provision of adequate buildings sites suitable to the special needs of the type of use contemplated.

b. Zoning requirements as to lot sizes and dimension.

c. Needs for convenient access, circulation, control, and safety of street traffic.

d. Limitations and opportunities of topography.

E. Lots

1. The lot size, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

2. Lot dimensions shall conform to the requirements of the zoning ordinance, and

a. Residential lots where not served by public sewer shall not be less than one hundred fifty (150) feet wide or less than forty-five thousand (45,000) square feet in area.

b. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the offset service and parking facilities required by the type of use and development contemplated.

3. Corner lots for residential use shall be of such width so as to allow any structure erected thereon to comply with setback regulations.

4. The subdividing of land shall provide each lot with satisfactory access to an existing public street.

5. Double frontage and reverse frontage lots are not desirable and should be avoided. If topography or other conditions require the use of double frontage lots, a planting screen easement of 10 feet or greater with no right of access will be required along the lots abutting traffic arteries.

F. Public Sites and Open Spaces

1. Where a proposed park, playground, school, or other public use shown in the comprehensive plan of the county is located in whole or in part in a subdivision, the Planning Commission may require the dedication or reservation of such area within the subdivision. Such reservation shall be for a period not to exceed five years at which time the Planning Commission will reevaluate.

2. Where deemed essential by the Planning Commission and approved by the Board of County Commissioners, the subdivider may be required to dedicate or reserve to the public areas or sites of a character, extent, and location suitable to the needs for schools, parks, and other neighborhood purposes. Such reservation is to be for a period not to exceed three years. The purchase price shall not exceed fair market value of such land at time of purchase. It is hereby found and declared that it is reasonable to require an amount of land, equal in value to twelve (12) per cent of the land proposed to be subdivided be dedicated for parks and recreation.

3. The subdivider may contribute an amount of cash equal to the value of land required to be dedicated by the subdivision. The cash payment shall be used for the acquisition of land for parks and playgrounds.

MODEL "B" FLOODPLAIN ORDINANCE

(Short Version)

Section 1.0

1.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVE

STATUTORY AUTHORIZATION

The legislature of the State of North Dakota has in North Dakota Century Code, Chapters 40-47, 11-33, and 58-30 delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Commission of Oliver County North Dakota does ordain as follows:

1.2 FINDINGS OF FACT

(1) The flood hazard areas of Oliver County are subject to periodic inundation which can endanger life, result in loss of property, create health and safety hazards, disrupt commerce and governmental services, cause extraordinary public expenditures for flood protection and relief, and impair the tax base, all of which adversely affect public health, safety, and general welfare.

(2) Flood losses caused by the cumulative effect of obstructions in the special flood hazard areas cause increases in flood heights and velocities. Inadequately floodproofed, elevated, or otherwise unprotected structures also contribute to the flood loss.

1.3 METHODS OF REDUCING FLOOD LOSSES

In order to limit and prevent flood damages in Oliver County, this ordinance has provisions for restricting, prohibiting, and guiding development activities that can be subject to flood damage.

1.4 DISCLAIMER

This ordinance shall not create liability on the part of Oliver County, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

1.5 DEFINITIONS

"Area of special flood hazard" means the land in the floodplain within a community subject to one per cent or greater chance of flooding in any given year.

"Base flood" means the flood having a one per cent chance of being equalled or exceeded in any given year.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) the overflow of waters and/or
- 2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) means the official map issued by the Federal Emergency Management Agency (FEMA) where areas of special flood hazard are designated as Zone A.

"Lowest floor" means the lowest floor of a structure including the basement.

"Manufactured home" means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers unless placed on a site for 180 consecutive days or more.

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"Structure" means a walled and roofed building, including mobile homes and gas or liquid storage tanks above ground.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 per cent of the market value of the structure either:

- 1) before the improvement or repair is started; or
- 2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however include either:

- 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- 2) any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historic Places.

1.6 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Oliver County as identified by the Federal Emergency Management Agency in its latest Flood Insurance Rate Map (FIRM), dated September 30, 1987 and all subsequent revisions thereto. This map is adopted by reference and declared to be part of this ordinance. It is on file at the Planning and Zoning Office.

SECTION 2.0

PERMIT PROCEDURES

2.1 PERMITS

Before any construction or development begins within an area of special flood hazard, a permit shall be obtained from the Land Use Administrator, hereafter referred to as the responsible person. The permit shall include:

- 1) elevation in relation to mean sea level of the lowest floor (including basement) of all proposed structures;
- 2) elevation in relation to mean sea level to which any structure will be floodproofed;
- 3) certification by a registered professional engineer or architect the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 3.2(2)c; and
- 4) description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2.2 USE OF OTHER BASE FLOOD DATA

When base flood elevation data has not been provided in accordance with Section 1.6, Lands to which this ordinance applies, the responsible person shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer this section and Section 3.1 GENERAL STANDARDS.

2.3 PERMIT REVIEW

All permit applications shall be reviewed (using the best available base flood elevation data from any federal, state, or local source) to: a) assure sites are reasonably safe from flooding; b) determine that all necessary permits have been obtained from those federal, state, or local agencies from which prior approval is required; and c) to determine if the proposed development adversely affects the flood carrying capacity of a flood-prone area. For the purposes of this ordinance, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.

- 1) If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further considerations.
- 2) If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer) for the proposed development shall be required.
- 3) If the proposed development is a building, then the following provisions of this ordinance shall apply.

SECTION 3.0 STANDARDS

3.1 GENERAL STANDARDS

In all areas of special flood hazards, the following standards are required:

- 1) Anchoring
 - a) All new construction and substantial improvements (including additions) shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b) All manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

2) Construction Materials and Methods

a) All new construction and substantial improvements shall be constructed using methods and with materials and utility equipment that resist or minimize flood damage.

b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3) Utilities

a) All new and replacement water supply systems and sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4) Subdivision Proposals

a) All subdivision proposals shall be consistent with the need to minimize flood damage.

b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

5) Encroachments

Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

3.2 SPECIFIC STANDARDS

Where base flood elevation data is available, the following provisions are required:

1) Residential Construction

a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

b) Manufactured homes shall be placed so that the lowest floor is elevated on fill to or above the base flood elevation.

2) Nonresidential Construction

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities shall:

a) Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water. A registered professional engineer or architect shall develop and/or review structural designs, specifications, and plans for the construction, and shall certify that the design methods of construction are in accordance with accepted standards of practice.

b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the responsible person as set forth in Section 4.1.

SECTION 4.0

ADMINISTRATIVE REQUIREMENTS

4.1 INFORMATION TO BE OBTAINED AND MAINTAINED

The responsible person shall:

1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2) For all new or substantially improved flood-proofed structures:

a) obtain and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.

b) maintain the floodproofing certifications required in Section 3.2(2)c.

3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.2 ALTERATION OF WATERCOURSES

The responsible person shall:

1) Notify nearby communities, water resource districts and the North Dakota State Engineer, as necessary, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and

2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

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